IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 462 OF 2005

SMT. JANQUI R. NAIK(SIN.DEC.) ....Petitioner
THROUGH HER HEIRS.,

Versus

PANDURANG G. GAUNEKAR, PONDA GOA. ....Respondent

Advocate for the Petitioners.
Mr. Vilas P. Thali Advocate For Respondent No. 1

Coram:- D. D. SINHA, J.

Date:- 6th December, 2005

P.C.:

Heard Shri V. Menezes, learned Advocate for the Petitioners and Shri V. Thali, learned advocate for the respondent.

2. Writ Petition is directed against the Order dated 21st July, 2005 passed by the Deputy Collector in the revisional proceedings granting ex-parte interim stay in the application for stay dated 21.7.05 filed by the present respondent (revisional appellant) during the pendency of the revision application. Instead of adjudicating on the isisue in the present writ petition in respect of the validity of the interim order which is impugned, in my view it will be appropriate to direct the Deputy Collector to dispose of the revision application on its own merit and according to law applicable in this regard within a stipulated period.

3. The counsel for the petitioners states that in view of the interim order, the respondent is entitled to carry out the construction. The counsel for the respondent Shri Thali, on instructions from his client who is present in Court, states that if the revision as well as the proceedings before the Mamlatdar are finally decided against the respondent, in that

case the construction which is made during the pendency of the proceedings shall be subject to the result of these proceedings.

4. In the backdrop of the above referred facts, the Deputy Collector is directed to decide the revision application moved by the respondent on its own merit and according to law as early as possible and in any case not beyond the period of six weeks from the date of receipt of the order.

With these directions, Writ Petition is disposed of.

D. D. SINHA, J.

sl.